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Notice of Allowability	Application No.	Applicant(s)	
	09/855,062	BASS, MICHAEL A.	
	Examiner	Art Unit	
	Yogesh C Garg	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE & AMendment "F" received on 6/21/2004.
2. ☒ The allowed claim(s) is/are 1-5, 7-15, 22, 26-35 and 37-40.
3. ☒ The drawings filed on 14 May 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |



Yogesh C Garg
Primary Examiner
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DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/21/2004 has been entered.

Response to Amendment

2. Amendment F, received on 6/21/2004 is acknowledged and entered. Amendment to claims 1, 9, 22, 38 and 39 is entered. Claim 23 is canceled. Currently claims 1-5, 7-15, 22, 26-35, & 37-40 are pending for examination.

Allowable Subject Matter

3. Claims 1-5, 7-15, 22, 26-35, & 37-40 are allowed. Claims 1 and 38 are independent. Claims 2-5, 7-15, 22, 26-35 and 37 are dependencies of claim 1 and claims 39-40 are dependencies of claim 38.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

Claims 1 & 38

The prior art of record neither anticipates nor fairly and reasonably teach a method for marketing/selling goods using a physical sign and integrating the information presented on physical sign with Internet based application to post information on a website about the goods, such that potential buyers can view the details of the goods on the website, essentially consisting of the following steps in the following order, *inter alia*, the steps of: a) providing a physical sign and accompanying directions for logging onto said website, said physical sign having preprinted thereon said website address, a space for said unique identifier, said seller purchasing said physical sign and accompanying directions from a retail store, said seller having purchased the sign and-following the accompanying directions logging onto said website to post said information thereon, said unique identifier being provided to said seller or entered by said seller at said website in connection with said seller posting said information on said website, (see claims 1 & 38).

Applicant's remarks in the Amendment "F" submitted with Request for Continued Examination on 06/21/2004 are compelling and commensurate with both the original disclosure and the claims as amended. Particularly, see Applicant's remarks (at pages 9-10 of the said amendment):

" Clearly, in the present claims 1 and 38, it is evident from the claim language itself that the basic and novel characteristic of the invention lies in the order of the steps; the sign must be purchased before the seller logs onto the website provided in connection with the sign to post the information regarding his good.

Second, the specification does support this order and provides adequate basis to indicate this is the basic and novel characteristic of the invention:

.....[T]he seller, after purchasing the sign...would log onto the website, input or post information pertaining to his good for sale.... Specification , page 4

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lines 11-15;

A website according to the invention is also provided..., and less designed such that the seller, having purchased the sign and following the accompanying directions, can log onto the website where he is prompted to enter certain information regarding the good for sale...as well as his contact information. Specification, page 5 lines 22-28.

To further clarify the required order of the steps in claims 1 and 38, these claims have been amended to specify the sign is provided with "accompanying directions," and said seller "having purchased the sign and following the accompanying directions, logging onto said website..." As amended, there can be absolutely no doubt from claims 1 and 38 that the sign and accompanying directions lead the seller (having previously purchased the sign) to log onto the website. The reverse order is necessarily excluded by the language "having purchased the sign" the seller logs onto the website. "

Applicant further remarks (on pages 10-11 of the said amendment):

" The consisting essentially of the following steps in the following order language in claims 1 and 38 performs two functions. First, it fixes the temporal order of the recited steps in each of these claims. and particularly the order: of the sign purchasing and website visiting steps. It is paramount of the present invention that the seller first purchase the physical sign, and then that the sign of the accompanying directions lead the seller to the website, so the seller can post the information about his good for sale. Second, the "consisting essentially of" transitional language excludes any additional method steps from the methods as claimed which would affect this basic and novel characteristic of the invention, i.e. the order of these two steps. MPEP. 2111.03. Therefore, a method where the seller visits the website to receive instructions on where or how to purchase the sign, prior to purchasing the sign at a physical location, is excluded from the claims. "

The Examiner notes that the specification beginning at page 2, lines 5-13, page 3, lines 12-15, page 4, lines 2-7, page 5, lines 1-3, and 15-20, lines 24-34 and the amended claims 1 and 38 are consistent with the examiner's remarks as noted above in emphasizing that the criticality and novelty of his invention lie in the fact that a seller, who wants to sell his goods, first purchases a physical sign from a retail store providing a space for a unique identifier, website address, and instructions/directions for logging onto the said website. After having purchased the sign, then the seller is guided by the instructions to access the said website and post information about the goods that he wants to market/sell such that the identifier displayed on the

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sign is uniquely coordinated with the posted information of the goods for sale on the said website.

Claims 2-5, 7-15, 22, 26-35, 37 and 39-40.

Since claims 2-5, 7-15, 22, 26-35 and 37 are dependencies of claim 1 and claims 39-40 are dependencies of claim 38 the reasons for allowance for all the dependent claims is same as for claims 1 and 38 given above.

5. Discussion of most relevant prior art:

The following references have been identified as most relevant prior art to the claimed invention(s).

Non-Patent Literature

(i) The most closely applicable prior art of record is referred to in Paper 14 as "FSBO" (FSBO Advertising Service, Inc. [see copies of web pages as available on March 2, 2000, on their web site fsboadvertisingservice.com and extracted from Wayback machine web site, www.archive.org on 01/09/2003]). FSBO discloses offering advertising services for selling and buying homes at regional web sites and also teaches that physical yard signs can be ordered on the said regional web sites. However, FSBO fails to anticipate or render obvious the application's above-mentioned unique features(s), i.e. the temporal order of the steps that seller

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first purchases the sign with directions to logon a website and then logging on the website using the accompanying directions to post information regarding his good to be sold.

(ii) The references, (a) Press release, "Owners.com Unveils Powerful New Site for Home Sellers and Home Buyers"; January 21, 1999 extracted on Internet from the Owners .com web site: on 12/5/2003 (see copies of web pages, a total of 12 pages) and (b) Rogers et al.; "Online companies find niche in sales owners get help with selling homes themselves"; Richmond Times-Dispatch; Richmond, VA; Jul 9, 2000; extracted on Internet on 12/5/2003 from proquest web site cited in Paper 18 disclose providing physical yard signs to sellers after accessing the website and allows sellers to post information on the website about products being sold site. However, both of these references fail to anticipate or render obvious the application's above-mentioned unique features(s), i.e. the temporal order of the steps that seller first purchases the sign with directions to logon a website and then logging on the website using the accompanying directions to post information regarding his good to be sold.

Patents and PG-Pubs:

(i) Newly cited US Pub. No.: US 2002/0087420 A1 to Higgins et al. teaches a method for using both the signage and an Internet information system for advertising sale of products (See at least page 2, paragraph 0027-page 4, paragraph 0044). However, Higgins et al. cannot be considered a prior art as his application was filed on January 2, 2001, which is later than the priority date of August 14, 2000 for the instant application. Also, Higgins et al. fails to anticipate or render obvious the application's above-mentioned unique features(s), i.e. the temporal order

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of the steps that seller first purchases the sign with directions to logon a website and then logging on the website using the accompanying directions to post information regarding his good to be sold.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) Petitt, Chris; "Contour software offers multiple lead generation tech solutions response system to provide leads for Realtors and mortgage companies"; Origination News, v 6, n 828, p 40; May 1997; extracted from Dialog database on Internet from File 9, Accession # 1847564 on 7/01/2004 discloses displaying a "for sale sign" pitched in the yard and provides a phone number offering further details to the interested parties but fails to anticipate or render the application's above-mentioned unique features(s) obvious.

(ii) Feigenbaum, Randi; "Cover Story / On their Own"; Newsday; Long Island, N.Y.: June 25, 1999, extracted on Internet on 7/1/2004 from web site: <http://proquest.umi.com> discloses that some people buy merely signs to be pitched in their lawns to advertise sale of their products and other put postings on any number of Internet sites or in magazines to promote sale of their products but fails to anticipate or render the application's above-mentioned unique features(s) obvious.

(iii) JP 08036369A to MK Seiko KK discloses a physical sales sign (see at least abstract) but fails to anticipate or render the application's above-mentioned unique features (s) obvious.

(iv) CA 22200023 to Vieweger D W discloses a device to illuminate the " For Sale" signs (see at least abstract) but fails to anticipate or render the application's above-mentioned unique features (s) obvious.

(v) FR 2206545 A discloses signs for sales promotion to attract buyers' attention on highway but fails to anticipate or render the application's above-mentioned unique features (s) obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
July 1, 2004